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Attorney for Defendant Jorge Peraza-Rivas

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | | |
|---------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA, |) | No. CR 12-00010 EMC |
| |) | |
| Plaintiff, |) | |
| |) | STIPULATION AND [PROPOSED] |
| v. |) | ORDER CONTINUING MOTIONS |
| |) | FILING DATE AND HEARING ON |
| ARMANDO ANTONIO MONROY |) | MOTIONS AND EXCLUSION OF TIME |
| and JORGE PERAZA-RIVAS, |) | UNDER SPEEDY TRIAL ACT |
| |) | |
| Defendants. |) | |

STIPULATION

The United States of America and defendants Jorge Peraza -Rivas and Armando Antonio Monroy , by and through their respective counsel, hereby stipulate and ask the court to find as follows:

1. That the parties are currently scheduled for a motions hearing date on March 13, 2013 at 2:00 p.m. Defendants motions are due to be filed on February 6, 2013.

2. Due to a family emergency counsel for defendant Peraza - Rivas will not be able to timely file motions on behalf of his client, including a motion to access a mirror image of a computer owned by defendant Monroy which was seized pursuant to search warrant. Because the defendants have discussed filing motions jointly to preserve CJA funds the parties agree that judicial economy will be furthered by continuing the motions dates for all parties.

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2 3. Based on all of the foregoing the parties request that the court vacate the current
3 motion hearing date and set a new motions hearing date of April 10, 2013 at 2:00 p.m. with
4 defense motions due on March 6, 2013, government responses due on March 20, 2013 and any
5 replies due on March 27, 2013.

6 4. The parties further stipulate and agree that the time from the date of this Court's order
7 to April 10, 2013 should be excluded in accordance with the provisions of the Speedy Trial Act,
8 18 U.S.C. § 3161(h)(7)(A), on the basis that the ends of justice are served by taking such action
9 which outweigh the best interest of the public and the defendant in a speedy trial and also
10 under subsection (b)(iv) for continuity of counsel and effective preparation of counsel, taking
11 into account the exercise of due diligence.

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13
14 Dated: February , 2013

Respectfully submitted,

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16 MELINDA HAAG
United States Attorney

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19 /s/
Alexa Summer
Assistant United States Attorney

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21 /s/
Alan A. Dressler Esq.
Attorney for Defendant
Jorge Peraza-Rivas

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23
24 /s/
Steven Gruel, Esq.
Attorney for Defendant
Armando Antonio Monroy

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| UNITED STATES OF AMERICA, |) | No. CR 12-00010 EMC |
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| Plaintiff, |) | |
| |) | |
| v. |) | [PROPOSED] ORDER CONTINUING |
| |) | MOTIONS FILING DATE AND |
| ARMANDO ANTONIO MONROY |) | HEARING ON MOTIONS AND EXCLUSION |
| and JORGE PERAZA-RIVAS, |) | OF TIME UNDER SPEEDY TRIAL ACT |
| |) | |
| Defendants. |) | |

GOOD CAUSE APPEARING, and pursuant to the stipulation of the government and defendants Armando Antonio Monroy and Jorge Peraza-Rivas, IT IS HEREBY ORDERED that the motion hearing date currently scheduled for March 13, 2013 is vacated.

2:30

IT IS FURTHER ORDERED that a new motion hearing date is set for April 10, 2013 at 2:00 p.m. with defense motions due on March 6, 2013, government responses due on March 20, 2013 and any replies due on March 27, 2013.

IT IS FURTHER ORDERED that the time from the date of this Order through April 10, 2013 shall be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), for adequate preparation of counsel and continuity of counsel. The Court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendants in a speedy and public trial and the

1 failure to grant the requested continuance would unreasonably deny defense counsel the
2 reasonable time necessary for effective preparation and continuity of counsel, taking into account
3 due diligence.

4 **IT IS SO ORDERED.**

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6 Dated: 2/6/13

